

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HARVEY SCOTT, :  
Plaintiff, :  
v. : Case No. 3:20-cv-173-SLH-KAP  
: :  
JOHN WETZEL, *et al.* :  
Defendants : :

Memorandum Order

Plaintiff's supplemental motion to compel at ECF no. 42 is denied because the discovery request is untimely. One of the surviving claims, summarized on page 3 of Judge Haines's Memorandum and Order at ECF no. 13, is against a John Doe #2, *see* Complaint at ¶¶48, 188. On plaintiff's previous motion to compel, ECF no. 34, I reopened the discovery schedule set in ECF no. 22 "for the limited purpose of responding to the plaintiff's request for production sent to previous counsel in October 2022." ECF no. 36. I did not reopen discovery generally, and plaintiff's advice in ECF no. 38 that he was waiting for discovery to formulate further interrogatories does not justify a request for an extension of discovery either generally or for plaintiff's specific purpose of identifying John Doe #2. Plaintiff has no excuse for not conducting discovery in the ample discovery period

The other pending motions are denied as moot. Plaintiff's motions at ECF no. 39 and ECF no. 41 cancel each other out, and since counsel has appeared for the Estate of Shawn Wiggins at ECF no. 43, plaintiff's motion at ECF no. 40 is also unnecessary.

Pending is plaintiff's objection/appeal at ECF no. 38 from my order at ECF no. 36. That renders obsolete the former pretrial schedule at ECF no. 22. When the objection/appeal is ruled on I will enter a new schedule based on what the Court does.



DATE: September 22, 2023

Keith A. Pesto,  
United States Magistrate Judge

Notice by ECF to counsel and by U.S. Mail to:

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